



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

October 26, 2020

John D. Adams
McGuireWoods LLP
2001 K St. NW. Ste. 400
Washington, D.C. 20006

VIA EMAIL

Re: Follow Up Questions Regarding Responses to EPA's August 8, 2019 Clean Water Act Section 308 Information Request

Dear John:

On August 8, 2019, the Water Enforcement Division of the Environmental Protection Agency (EPA) sent DuPont de Nemours, Inc. (DuPont) a Clean Water Act (CWA) Section 308 Information Request Letter (August 2019 308 Letter).¹ In response to this letter, DuPont and E.I. du Pont de Nemours and Company d/b/a Corteva Agriscience (collectively, "the companies") have submitted information to the EPA through several responses in 2019 and 2020, most recently in April 2020.²

In their April 2020 responses to the August 2019 308 Letter, the companies indicated that they would wait to provide further information until they received further direction from EPA. While EPA continues to evaluate information submitted thus far, ***EPA requests that the companies provide responses to the following specific questions pursuant to the August 2019 308 Letter within 14 days of receipt of this letter.***

Response to the questions below does not relieve the companies of the requirement to provide complete responses to all questions asked in the August 2019 308 Letter. The companies are required to certify when they have provided full, complete responses, and such certification has not yet been submitted by the companies. Therefore, the companies are required to continue to provide full, complete responses to the initial questions asked by EPA in the August 2019 308 Letter, in addition to providing responses to the follow up questions below. ***The companies should provide complete responses to the August 2019 308 Letter by December 4, 2020.***

¹ This letter defined DuPont as DuPont de Nemours, Inc., DowDuPont Inc., E. I. du Pont de Nemours and Company, Dow Inc., and Corteva.

² These are the only entities from which EPA has received responses to the August 2019 308 Letter. If information responsive to the August 2019 308 Letter is held by Dow Inc. or DowDuPont Inc. (in a past or current form), the companies should indicate so in their responses, pursuant to the instructions included in the August 2019 308 Letter. If Dow Inc. or DowDuPont Inc. have no responsive documents, the companies should indicate that in their responses.

For instructions on responding to these questions, refer to the August 2019 308 Letter. Additionally, the companies should identify each document with a meaningful document name, not just a Bates Number.

Questions

1. DuPont stated in its April 24, 2020 response to Question 6 of the August 2019 308 Letter that there are four facilities that DuPont currently owns and/or operates that discharge, release, spill and/or leak PFAS, or have done so in the past, including: Parlin, NJ; Circleville, OH; Old Hickory, TN; and Spruance, VA. For these facilities, please provide the information requested in Question 9 of the August 2019 308 Letter.
2. As part of a complete response to Question 7 of the August 2019 308 Letter, please provide National Pollutant Discharge Elimination System (NPDES) permit conditions for PFAS discharges, NPDES permit limitations for PFAS discharges, any authorization to discharge PFAS (e.g. NPDES permits), and permit applications from 2000 to the present for the following facilities: Parlin, NJ; Circleville, OH; Old Hickory, TN; and Spruance, VA.³ If the facility did not have an NPDES permit for any portion of the stated time frame, please state so.

Thank you for your cooperation. If you have any questions, please contact me at Theis.Joseph@epa.gov or (202) 564-4053, or Kristin Buterbaugh at Buterbaugh.Kristin@epa.gov or (202) 564-4479.

Sincerely,

**JOSEPH
THEIS**

Digitally signed by
JOSEPH THEIS
Date: 2020.10.26
12:00:45 -04'00'

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Civil Enforcement

cc: Eugene E. Matthews III Esq., McGuire Woods LLP (via e-mail)
Milligan J. G. Goldsmith, Esq., McGuireWoods LLP (via e-mail)
Kristin Buterbaugh, Esq., U.S. EPA (via e-mail)

³ NPDES permits for Circleville (effective 2015 and 2020) and Spruance (effective 2016) have been provided in previous responses and do not need to be provided again.